HON. JOHN H. CHUN 1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE SURFCAST INC., 8 Plaintiff, 9 Case No. 2:22-cv-01298-JHC VS. 10 STIPULATION AND ORDER **REGARDING STAY** 11 MICROSOFT CORPORATION, 12 Defendant. 13 14 15 16 17 18 19 20 21 22 23 24 SIDLEY AUSTIN LLP STIPULATION AND ORDER REGARDING STAY 8426 316th Place Southeast 25 (2:22-cv-01298-JHC) Issaquah, WA 98027 TEL. (415) 439-1799

1 WHEREAS, SurfCast Inc. has asserted claims in U.S. Patent Nos. 9,032,317; 9,043,712; 2 9,363,338; and 9,946,434 (the "patents-in-suit"); 3 WHEREAS, Defendant Microsoft Corporation filed four petitions for *inter partes* review ("IPR") on February 10, 2022 challenging all claims of the patents-in-suit; 4 5 WHEREAS, the Patent Trial and Appeal Board ("PTAB") instituted those IPRs on 6 October 7, 2022, and is expected to issue a final written decision within one year thereafter; 7 WHEREAS, Microsoft has indicated its intent to move to stay this case pending final 8 resolution of the IPR proceedings and SurfCast does not oppose such a stay; 9 WHEREAS, this case is in an early stage, claim construction has not yet occurred, and courts in this district routinely stay patent litigation matters involving parallel PTAB proceedings, 10 11 see, e.g., O'Brien v. Microsoft Corporation, No. C19-01625RAJ (W.D. Wash. Oct. 13, 2020); SRC 12 Labs, LLC v. Microsoft Corp., No. C18-0321JLR (W.D. Wash. Nov. 20, 2018); Uniloc USA, Inc. 13 v. HTC Am., Inc., No. C17-1558JLR (W.D. Wash. Aug. 23, 2018); Recognicorp, LLC v. Nintendo 14 Co. Ltd., No. C12-1873, 2013 WL 2099518, at *3 (W.D. Wash. May 8, 2013); 15 WHEREAS, in the interest of avoiding unnecessary motion practice, and to conserve judicial resources, the parties have agreed to stay this case pending final resolution of the IPR 16 17 proceedings; 18 IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that 19 this case is stayed pending final resolution, including any appeals, of the IPR proceedings on the 20 patents-in-suit. Each party reserves the right to request that the stay be lifted or modified for good 21 cause due to changed circumstances affecting the IPRs. 22 DATED this 12th day of October, 2022. 23 24

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1	SIDLEY AUSTIN LLP	KELLER ROHRBACK LLP
2	By: s/Robin E. Wechkin	By: s/Ryan McDevitt
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4	Robin E. Wechkin (SBN 24746) SIDLEY AUSTIN LLP	Ryan McDevitt KELLER ROHRBACK LLP
5	8426 316th Place Southeast Issaquah, WA 98027	1201 Third Avenue Suite 3200
6	Telephone: (415) 439-1799 Email: <u>rwechkin@sidley.com</u>	Seattle, WA 98101 Telephone: (206-623-1900) Email: rmcdevitt@kellerrohrback.com
7		Brian S. Seal
8	Attorney for Defendant Microsoft Corporation	Taft Stettinius & Hollister LLP 200 Massachusetts Avenue, NW
9		Suite 500 Washington, D.C. 20001
10		Telephone: 202-664-1537 Email: bseal@taftlaw.com
11		Eman. oseai@tartiaw.com
12		Attorneys for Plaintiff SurfCast Inc.
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25	STIPULATION AND ORDER REGARDING STAY (2:22-cy-01298-JHC)	SIDLEY AUSTIN LLP 8426 316th Place Southeast

ORDER 1 IT IS SO ORDERED. This case is STAYED pending final resolution, including any 2 appeals, of the IPR proceedings on the patents-in-suit. All case deadlines are VACATED. 3 The parties shall file a status report every six (6) months updating 4 the Court as to the status of the IPR proceedings. 5 I An R. Char DATED this 12th day of October, 2022 6 THE HONORABLE JOHN H. CHUN 7 UNITED STATES DISTRICT JUDGE Presented by: 8 SIDLEY AUSTIN LLP KELLER ROHRBACK LLP 9 By:*s/Robin E. Wechkin* By:*s/Ryan McDevitt* 10 Robin E. Wechkin (SBN 24746) Ryan McDevitt 11 KELLER ROHRBACK LLP SIDLEY AUSTIN LLP 8426 316th Place Southeast 1201 Third Avenue 12 Issaquah, WA 98027 **Suite 3200** Telephone: (415) 439-1799 Seattle, WA 98101 13 Email: rwechkin@sidley.com Telephone: (206-623-1900) Email: rmcdevitt@kellerrohrback.com 14 Brian S. Seal 15 Attorney for Defendant Taft Stettinius & Hollister LLP Microsoft Corporation 200 Massachusetts Avenue, NW 16 Suite 500 Washington, D.C. 20001 17 Telephone: 202-664-1537 Email: bseal@taftlaw.com 18 19 Attorneys for Plaintiff SurfCast Inc. 20 21 22 23 24

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